

REMARKS

In the Office Action, claims 27-33 are rejected under 35 U.S.C. § 102 in view of WO02/058177 corresponding to U.S. Patent No. 7,226,699 ("Uetake"); and claims 34-38 are rejected in view of Uetake and further in view of U.S. Patent No. 5,571,660 ("Ito").

In response, the sole independent claim has been amended to incorporate the features of dependent claim 34. Therefore, the anticipation rejection should be rendered moot and withdrawn in view of same.

Further, Applicants believe that the obviousness rejection should be withdrawn. At the outset, Applicants do not believe that the Uetake and Ito references are properly combinable. Indeed, Uetake and Ito are directed to different technology areas. Uetake is directed to a proton conductor in contrast to Ito which is directed to a photographic material. Therefore, Applicants do not believe that the Ito reference provides sufficient guidance to substitute the polyvinyl alcohol binder with polymers containing oxygen and nitrogen as discussed in Ito contrary to the Patent Office position. What the Patent Office has improperly done is to rely on hindsight reasoning as the basis for the motivation to combine the cited references.

Even assuming the cited art is combinable, Applicants do not believe that the combined teachings render obvious the claimed invention. Again, the primary Uetake reference fails to disclose polymers with sulfur, oxygen or nitrogen atoms as even recognized by the Patent Office. Further, the Ito reference provides a laundry list of possible agents that can be used as a binder or protective colloid for a photographic emulsion and not an ionic conductor as claimed. Among this laundry list of possible agents, indeed, Ito identifies gelatin as advantageous, and thus, fails to recognize the benefits of the ionic conductor that includes a polymer that contains at least any one of a nitrogen atom, an oxygen atom, and a sulfur atom. Therefore, Applicants believe that the obviousness rejection is improper and should be withdrawn at least in view of same.


Accordingly, Applicants believe that the present application is in condition for allowance and earnestly solicit reconsideration of same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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